XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.A. 39/07..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DIVISION BENCH: **Hon'ble Shri Justice L.C. Bhadoo &** **Hon'ble Shri Justice Dhirendra Mishra.**	
	WRIT APPEAL No. 54/2007	
	APPELLANT	Umiya Board and Paper Mills Pvt. Ltd. a company registered under the Companies Act, 1956 at New Timber Market, Fafadih, Raipur, CG
	Versus	
	RESPONDENTS 1.	Chhattisgarh State Electricity Board, a Corporate body constituted under Electricity Act, 2003 through Secretary at Danganiya, Raipur,CG.
	2.	Superintendent Engineer (Sancharna/Sandharan), Circle, CG State Electricity Board, Raipur,CG.
	3.	Senior Accounts Officer, CG State Electricity Boar, Raipur.
	WRIT APPEAL No. 39/2007	
	APPELLANT	Ajanta Paper Board Mill, Unit – II, a registered partnership firm at 13, Curga College Complex, K.K. Road, Raipur C.G.
	Versus	
	RESPONDENTS 1.	Chhattisgarh State Electricity Board, a Corporate body constituted under Electricity Act, 2003 through Secretary at Danganiya, Raipur,CG.

P.T.O.

XI-HC-78

(2)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

34

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		2. Superintendent Engineer (Sancharna/Sandharan), Circle, CG State Electricity Board, Raipur,CG. 3. Senior Accounts Officer, C.G. State Electricity Boar, Raipur.

Shri Bhishma Kinger learned counsel for the appellant.
Shri R.K. Jaiswal learned counsel for the respondents.

14.3.2007:

Both the abovementioned appeals have been filed against the same order dated 1.8.2006 passed by learned Single Judge in Writ Petitions No. 5991/2005 and 5990/2005 respectively, therefore, they are being disposed of by this common order.

At the outset, Mr. Jaiswal learned counsel appearing for the respondents submits that the writ petitions of the appellants herein have been dismissed on the ground that the alternative remedies are available to the appellants herein and they ought to have approached the appropriate forums in the first instance

Mr. Kinger appearing for the appellant herein on the other hand submits that the forums so constituted become available only after filing of the writ petition. He, however, has no objection if the appellants are allowed to exhaust the alternative remedy by approaching the appropriate forum available to them under the law.. He further submits that the only difficulty is that the Hon'ble Single Judge has made certain observations in the impugned order and that may affect the interest of the appellants herein.

P.T.O.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having heard the counsel for the parties, we have perused the impugned order. In paragraph 33 of the order learned Single Judge has specifically mentioned that the appellants are having so many alternative remedies under the law and without taking appropriate steps they have approached Court for quashing of the preliminary bills and for appropriate directions, and dismissed the petitions as such. Further perusal of the impugned order shows that learned Single Judge has nowhere made any observation on merits of the appellants' matter.

Consequently, we are of the opinion that there is no merit in the aforementioned appeals and accordingly they are dismissed. The appellants are at liberty to approach appropriate forum available to them under the law within a period of 30 days from today. It is made clear that the authorities shall be at liberty to decide the appellants' matter on their merit in accordance with law without being influenced by the observations, if any, made in the impugned order.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Dhirendra Mishra
Judge

P.T.O.